

REMARKS

The present application was filed on July 7, 2003 with claims 1 through 23. Claims 1 through 23 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-3, 21 and 22 under 35 U.S.C. §102(e) as being anticipated by Devi (United States Patent Application Publication No. 2003/0147400; hereinafter Devi). The Examiner rejected claims 4 and 6 under 35 U.S.C. §103(a) as being unpatentable over Devi, in view of Aukia et al. (United States Patent Number 6,594,268; hereinafter Aukia). The Examiner rejected claims 5, 13 and 16 under 35 U.S.C. §103(a) as being unpatentable over Devi and in view of Szviatovszki et al. (United States Patent Number 6,956,821; hereinafter Szviatovszki). The Examiner also rejected claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Devi and in view of Szviatovszki. The Examiner further rejected claim 23 under 35 U.S.C. §103(a) as being unpatentable over Szviatovszki and in view of Shabtay et al. (United States Patent Number 6,895,441; hereinafter Shabtay). The Examiner indicated that claims 10-12, 14, 15, and 17-20 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

The specification has been amended to correct typographical errors.

Independent Claims 1, 21 and 22

Independent claims 1, 21, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Devi. Regarding claim 1, the Examiner asserts that Devi discloses determining, in response to a request, whether any path of a plurality of predetermined paths meets at least one requirement corresponding to the request, wherein the plurality of predetermined paths are determined by substantially maximizing a carried demand on a network using at least traffic demand estimates and network topology information and by performing routing for the substantially maximized carried demand (FIGS. 1 and 2; paragraphs [0004]-[0005], [0014], and [0026]).

Applicants note that Devi utilizes *known traffic demands*. See, for example, paragraphs [0033] to [0040] of Devi and, in particular, paragraph [0037], where Devi teaches that “ L_{ij} =the loading from all path assignments to the link between node N_i and node N_j .” In one aspect of the present invention, it is recognized that the server usually only has **estimates** of traffic demand information since, for example, historical or measured traffic demands may continuously

be subject to change due to diurnal traffic fluctuations and other factors. (See, for example, section B of the present disclosure entitled “DBR with Accurate Static Demand Information”) Independent claims 1, 21, and 22 require determining, in response to a request, whether any path of a plurality of predetermined paths meets at least one requirement corresponding to the request, wherein the plurality of predetermined paths are determined by substantially maximizing a carried demand on a network *using at least traffic demand estimates and network topology information* and by performing routing for the substantially maximized carried demand.

Thus, Devi does not disclose or suggest determining, in response to a request, whether any path of a plurality of predetermined paths meets at least one requirement corresponding to the request, wherein the plurality of predetermined paths are determined by substantially maximizing a carried demand on a network using at least traffic demand estimates and network topology information and by performing routing for the substantially maximized carried demand, as required by independent claims 1, 21, and 22.

Independent Claim 23

Independent claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Szviatovszki and in view of Shabtay. Regarding claim 23, the Examiner acknowledges Szviatovszki does not disclose, but asserts that Shabtay discloses if a length of the second shortest path is equivalent to a length of the first shortest path, attempting to create a connection on the second shortest path (col. 14, lines 14-21, and col. 5, lines 12-22); and if a length of the second shortest path is not equivalent to a length of the first shortest path, performing the following steps (col. 5, lines 18-19): pruning edges not having a second available bandwidth from the first pruned network, thereby creating a second pruned network; computing a third shortest path between the source node and destination node using the second pruned network; and attempting to create a connection on the third shortest path (col. 5, lines 12-22).

As the Examiner acknowledges, Szviatovszki does not disclose or suggest length information. Contrary to the Examiner’s assertion, however, Applicants could also find *no* disclosure or suggestion of *length information* in Shabtay.

Thus, Szviatovszki and Shabtay, alone or in combination, do not disclose or suggest a length of a second shortest path, as required by independent claim 23.

Additional Cited References

Aukia was also cited by the Examiner for its disclosure of determining the traffic demand estimates based at least in part on previously measured traffic demands or historical traffic demands. Aukia does not, however, address the subject of determining, in response to a request, whether any path of a plurality of predetermined paths meets at least one requirement corresponding to the request, wherein the plurality of predetermined paths are determined by substantially maximizing a carried demand on a network using at least traffic demand estimates and does not address the subject of the length of a shortest path.

Thus, Aukia does not disclose or suggest determining, in response to a request, whether any path of a plurality of predetermined paths meets at least one requirement corresponding to the request, wherein the plurality of predetermined paths are determined by substantially maximizing a carried demand on a network using at least traffic demand estimates and network topology information and by performing routing for the substantially maximized carried demand, as required by independent claims 1, 21, and 22, and does not disclose or suggest a length of a second shortest path, as required by independent claim 23.

Dependent Claims 2-22

Dependent claims 2 and 3 were rejected under 35 U.S.C. §102(e) as being anticipated by Devi, claims 4 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devi, in view of Aukia, claims 5, 13 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devi and in view of Szviatovszki, and claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Devi and in view of Szviatovszki.

Claims 2-22 are dependent on independent claim 1 and are therefore patentably distinguished over Devi, Aukia, Shabtay, and Szviatovszki, alone or in combination, because of their dependency from independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim. The Examiner has already indicated that claims 10-12, 14, 15, and 17-20 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Conclusion

All of the pending claims, i.e., claims 1-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

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Respectfully submitted,



Date: January 14, 2008

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

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